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DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

FLORENCIA Q. LEWIS,  
Plaintiff,  
vs.  
UNITED STATES OF AMERICA,  
Defendant.

Civil Case No. 05-00026

ORDER

On March 12, 2007, the Defendant filed a Motion for Extension of Time and Status Report. (Docket No. 40.) The Defendant requested an extension of 45 days to complete discovery of expert witnesses, as well as a continuance of the current trial date. The Defendant stated that unfortunately discovery has run over the time limits previously set and thus a short continuance was necessary to permit the parties to complete the depositions of the Plaintiff's expert, the Defendant's experts and the Plaintiff. A date certain for trial was also requested so that travel arrangements for the off-island witnesses could be made.

Before the Court rules on the request, it is important to note the background of this case. The Complaint herein was filed on August 10, 2005. (Docket No. 1.) Thereafter, a discovery cut-off date of September 15, 2006, was set, and trial was scheduled to commence on December 11, 2006. (Scheduling Order and Discovery Plan, Docket No. 16.)

On November 20, 2006, counsel for the parties appeared before the Court for a Preliminary Pretrial Conference. Counsel requested an extension of the trial date and other deadlines set forth in the original Scheduling Order and Discovery Plan based on the need to

1 complete discovery. Counsel represented that although they had been diligent, an extension was  
2 warranted based on the difficulty experienced in locating many witnesses who have since re-  
3 located to various places throughout the world and the need to coordinate arrangements for their  
4 depositions to be taken via video-conference. While the parties requested that the trial be  
5 continued to July 23, 2007, based on the instructions from the Chief District Judge's chamber  
6 and the policy directives of the Administrative Office of the United States Courts, the Court  
7 instead granted a shorter extension and set trial for April 16, 2007, with a discovery cut-off date  
8 of January 19, 2007.

9 The Court notes that the current request to extend discovery is not timely. Pursuant to  
10 Rule GR 6.1 of the Local Rules of Practice for the District Court of Guam, a continuance will be  
11 granted unless the request was made prior to the date upon which the act was to have been  
12 completed. In this case, the discovery cut-off date was January 19, 2007, but the Defendant  
13 waited almost two (2) months thereafter to request an extension. This is the second time a  
14 discovery extension has been sought after the deadline established by the Court.<sup>1</sup>

15 While the Court does not condone the practice of filing untimely requests, the Court  
16 nonetheless will reluctantly grant the requested extension on the basis that the Defendant has  
17 established good cause to warrant a short continuance. Accordingly, the following schedule will  
18 govern the course of proceedings herein:

- 19 ▶ Discovery cut-off (inclusive of all expert discovery & depositions): May 4, 2007
- 20 ▶ Discovery motions deadline: May 11, 2007
- 21 ▶ Dispositive motions deadline: May 25, 2007
- 22 ▶ Filing of Trial Briefs: July 6, 2007
- 23 ▶ Preliminary Pretrial Conference:<sup>2</sup> July 10, 2007, at 9:00 a.m.

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25 <sup>1</sup> The first untimely request was made at the November 20 Preliminary Pretrial Conference,  
26 when the parties requested an extension of the discovery cut-off date, which had passed on  
27 September 15, 2006.

28 <sup>2</sup> Plaintiff's counsel Wayson Wong may participate telephonically at this Preliminary  
Pretrial Conference.

- ▶ Pretrial Materials Filing/Submission Deadline: July 24, 2007
- ▶ Proposed Pretrial Order: lodged by July 24, 2007
- ▶ Final Pretrial Conference: July 31, 2007, at 9:00 a.m.
- ▶ Trial: August 7, 2007, at 9:00 a.m.<sup>3</sup>

The above dates amend the previously established dates and deadlines. **The Court advises counsel that further extensions will be disfavored unless supported by extenuating circumstances.**

Additionally, the Defendant's motion stated that the parties wish to submit this case for a settlement conference upon the conclusion of the discovery period. Accordingly, a Settlement Conference is hereby scheduled for Wednesday, May 30, 2007, at 10:00 a.m. before the below-signed judge.



/s/ Joaquin V.E. Manibusan, Jr.  
U.S. Magistrate Judge  
Dated: Mar 20, 2007

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<sup>3</sup> This trial date has been approved by the assigned District Judge.